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6 Attorneys for Plaintiff
7 United States of America

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 \$13,503.00 IN U.S. CURRENCY,

14 Defendant.

Case No. **'15CV1184 L JMA**

COMPLAINT FOR
FORFEITURE

15
16 By way of complaint against the defendant,
17 \$13,503.00 IN U.S. CURRENCY ("\$13,503 in currency"), the
18 United States of America alleges:

19 1. This Court has jurisdiction over this action by
20 virtue of the provisions of Title 28, United States Code,
21 Section 1355(a) and Title 31, United States Code,
22 Sections 5317(c) and 5332(c), because the defendant
23 \$13,503 in currency constitutes property involved in a
24 violation of Title 31, United States Code,
25 Section 5332(a), bulk cash smuggling.

26 2. Venue is proper in this district pursuant to
27 Title 28, United States Code, Section 1395 because the
28 defendant \$13,503 in currency was found in this district.

USAO: 2015V00181:BCS/ack

1 3. On December 5, 2015 at approximately 6:59 a.m.,
2 in the Southern District of California, at the Port of
3 Entry San Ysidro ("POE"), Irland Mariel Lopez Armenta
4 ("Lopez Armenta") entered the United States from Mexico
5 as the driver of a 2006 Mazda MPV mini-van bearing Baja
6 California, Mexico license plates ("2006 Mazda MPV").

7 A. At the time Lopez Armenta entered the
8 United States from Mexico at the POE, she had concealed
9 within the 2006 Mazda MPV vehicle the defendant \$13,503
10 in currency.

11 B. Lopez Armenta was accompanied by a single
12 passenger, Viridiana Contreras Pasillas ("Contreras
13 Pasillas"), an adult female.

14 4. Driver Lopez Armenta and passenger Contreras
15 Pasillas were greeted at the vehicle primary inspection
16 position by U.S. Customs and Border Protection ("CBP")
17 Officer Manabat.

18 A. Driver Lopez Armenta and passenger Contreras
19 Pasillas presented to CBP Officer Manabat their
20 respective DSP-150 immigration documents, thereby
21 identifying themselves as citizens of Mexico.

22 B. Driver Lopez Armenta and passenger Contreras
23 Pasillas gave CBP Officer Manabat their respective
24 negative customs declarations, thereby affirmatively
25 stating they were bringing nothing from Mexico.

26 C. Driver Lopez Armenta told CBP Officer
27 Manabat the purpose of her journey into the United States

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1 was to shop for unspecified items in Los Angeles,
2 California.

3 D. CBP Officer Manabat directed driver Lopez
4 Armenta to declare the amount of currency in her
5 possession.

6 E. Driver Lopez Armenta told Officer Manabat
7 she was carrying \$6,000.00.

8 F. Officer Manabat again asked driver Lopez
9 Armenta to declare the amount of currency she was
10 carrying.

11 G. Driver Lopez Armenta amended her
12 declaration, and told Officer Manabat she was carrying
13 \$7,000.00.

14 5. CBP Officer Manabat asked driver Lopez Armenta
15 whether she was the owner of the 2006 Mazda MPV in which
16 she was traveling.

17 A. Driver Lopez Armenta said she was the owner.

18 B. Driver Lopez Armenta produced the Baja
19 California, Mexico registration document for the 2006
20 Mazda MPV. Officer Manabat examined the document and
21 noticed the name of the registered owner was not that of
22 driver Lopez Armenta.

23 C. Driver Lopez Armenta told Officer Manabat
24 that the vehicle was registered under the name of her
25 brother-in-law, but it belonged to Lopez Armenta.

26 D. Officer Manabat directed driver Lopez
27 Armenta to shift the transmission of the 2006 Mazda MPV
28 into "park."

1 6. Officer Manabat conducted a cursory inspection
2 of the interior spaces of the 2006 Mazda MPV.
3 Officer Manabat noticed several bundles of United States
4 currency in driver Lopez Armenta's purse.

5 A. Officer Manabat again asked driver Lopez
6 Armenta how much currency she was carrying.

7 B. Lopez Armenta again amended her declaration
8 and told the officer she was carrying \$9,000.00.

9 C. Officer Manabat asked passenger Contreras
10 Pasillas how much currency she was carrying.

11 D. Contreras Pasillas declared she was carrying
12 \$100.00 in U.S. currency and 100 Mexican pesos.

13 E. Officer Manabat ordered driver Lopez Armenta
14 and passenger Contreras Pasillas to proceed to the
15 vehicle secondary area for a more thorough inspection.

16 7. Upon arrival in the vehicle secondary inspection
17 area, driver Lopez Armenta and passenger Contreras
18 Pasillas were greeted by CBP Officer Coble, and were
19 directed to alight from the 2006 Mazda MPV.

20 A. As Officer Coble escorted Lopez Armenta to
21 the security office, Lopez Armenta told the officer she
22 was carrying between \$13,000.00 and \$14,000.00 in U.S.
23 currency.

24 8. Inside the security office, Lopez Armenta's
25 purse was opened and its contents removed. Among the
26 contents of Lopez Armenta's purse was a large amount of
27 U.S. currency.

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1 A. In the security office, and in the presence
2 of Lopez Armenta and Contreras Pasillas, CBP Officers
3 Coble and Bridgewater counted the currency harvested from
4 inside Lopez Armenta's purse.

5 B. CBP Officers Coble and Bridgewater
6 determined Lopez Armenta's purse contained approximately
7 \$13,503.00 in U.S. currency.

8 C. The currency discovered concealed inside
9 Lopez Armenta's purse is the defendant \$13,503 in
10 currency.

11 D. The defendant \$13,503 in currency was made
12 up of 452 bills, to wit: 51 \$100.00 bills, 17 \$50.00
13 bills, 376 \$20.00 bills; 1 \$10.00 bill, 4 \$5.00 bills,
14 and 3 \$1.00 bills.

15 9. Homeland Security Investigations ("HSI") Agent
16 Krall was summoned to the POE. He arrived and took
17 command of the investigation.

18 A. At approximately 12:36 p.m., Agent Krall and
19 San Diego Police Department Officer Cesena, in the
20 Spanish language, advised Lopez Armenta of her 5th
21 Amendment rights to remain silent and to the assistance
22 of legal counsel.

23 B. Lopez Armenta told Agent Krall and Officer
24 Cesena that she understood her rights, would waive them,
25 and would participate in an interview.

26 C. Lopez Armenta told Agent Krall and Officer
27 Cesena she owned and operated a retail clothing store in
28 Tijuana, Mexico.

1 D. Lopez Armenta stated she was traveling to
2 Los Angeles, California to purchase apparel items for
3 resale in her Tijuana store.

4 E. Lopez Armenta admitted that when she arrived
5 at the POE that morning, she knew she was traveling with
6 more than \$10,000.00 in U.S. currency.

7 F. Lopez Armenta admitted that when she was
8 asked to make a customs declaration regarding the amount
9 of currency she was carrying, she intentionally
10 misrepresented the amount in her possession.

11 G. Agent Krall examined the official U.S.
12 government border crossing records for Lopez Armenta for
13 the 6-month period leading up to December 5, 2014, the
14 date of the seizure of the \$13,503 in currency.

15 H. Lopez Armenta was a frequent border crosser.
16 During that 6-month period, she entered the United States
17 from Mexico approximately 26 times.

18 10. When Lopez Armenta entered the United States
19 from Mexico she had concealed within her purse the
20 defendant \$13,503 in currency.

21 A. When asked at the POE by a uniformed CBP
22 officer to make a currency declaration, Lopez Armenta
23 knowingly failed to declare she was bringing into the
24 United States more than \$10,000 in U.S. currency, to wit:
25 the defendant \$13,503 in currency.

26 B. When Lopez Armenta entered the United States
27 she knew that a report of the concealed defendant \$13,503

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1 in currency was required to be filed with the Secretary
2 of Treasury.

3 C. Lopez Armenta failed to declare the
4 concealed defendant \$13,503 in currency for the purpose
5 of evading the report filing requirement.

6 11. The defendant \$13,503.00 in U.S. currency
7 constitutes more than \$10,000 in currency or monetary
8 instruments knowingly concealed in a conveyance, article
9 of luggage, or other container, and transported, or
10 attempted to be transported, into the United States from
11 a place outside thereof, to wit: the Republic of Mexico,
12 by a person with the intent to evade a currency reporting
13 requirement under Title 31, United States Code,
14 Section 5316, in violation of Title 31, United States
15 Code, Section 5332.

16 12. As a result of the foregoing, the defendant
17 \$13,503.00 in U.S. currency is liable to condemnation and
18 to forfeiture to the United States for its use in
19 accordance with Title 31, United States Code,
20 Sections 5317(c) and 5332(c).

21 13. The defendant \$13,503.00 in U.S. Currency is
22 presently deposited within the jurisdiction of
23 this Court.

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1 WHEREFORE, the United States prays that due process
2 issue to enforce the forfeiture of the defendant
3 \$13,503.00 in U.S. Currency and that due notice be given
4 to all interested parties to appear and show cause why
5 said forfeiture should not be declared.

6 DATED: May 28, 2015

7 LAURA E. DUFFY
8 United States Attorney

9 s/ Bruce C. Smith
10 _____
11 BRUCE C. SMITH
12 Assistant U.S. Attorney
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